

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
LARRY RICK MIKAWA, )  
Defendant. )

No. 10-0102-01-CR-W-DW

## ORDER

Pending before the Court is Magistrate Judge Maughmer's Report and Recommendation (Doc. 37). After an independent review of the record, the Court adopts the Magistrate's Report and Recommendation. Consequently, it is hereby ORDERED that:

- (1) the Magistrate's Report and Recommendation (Doc. 37) be attached to and made part of this Order;
- (2) Defendant Larry Rick Mikawa is incompetent to understand the nature and consequence of the proceedings against him and to assist properly in his defense; and
- (3) Defendant Mikawa shall continue to be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for a reasonable period of time up to 120 days to determine whether there is a substantial probability that in the foreseeable future Mikawa will attain the capacity to permit the trial to proceed.

IT IS SO ORDERED.

Date: March 7, 2012

/s/ Dean Whipple

Dean Whipple  
United States District Judge